

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rabban et al.

Application No.: 08/978,637 Group Art Unit: 1635

Filed: November 25, 1997 Examiner: Zara, J.

For: **NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

Confirmation No.: 4643

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below, in Form PTO SB08a (in accordance with the requirements of MPEP 609) are US patents, foreign patent documents, and non-patent literature, including copies of Office Actions issued on the merits in related applications. The additional foreign patent documents and non-patent literature are submitted herewith.

The above-referenced application is a division of application serial no. 08/574,443. Applicants note that application serial nos. 08/978,633, 08/978,634, 08/978,635, 08/978,636, 08/978,638 and 08/978,639 are also divisional applications of application serial no. 08/574,443. Related application serial no. 08/978,632 is a continuation of application serial no. 08/574,443.

Application serial nos 08/978,635 and 08/978,639 have been abandoned. Applicants note that additional applications have been filed: application. ser. no. 11/929,897, a continuation of application ser. no. 08/978,632, application. ser. no. 11/925,929, a continuation of 08/978,636, application. ser. no. 11/929,055, a continuation of 08/978,637 and application. ser. no. 11/927,676, a continuation of 08/978,638; no Office Actions have issued in application ser. no. 11/925,929 and application ser. no. 11/929,055.

US Patents

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| 5171217 | 1992-12-15 | March |
| 5196348 | 1993-03-23 | Schweighardt |
| 5264221 | 1993-11-23 | Tagawa |
| 5391723 | 1995-02-21 | Priest |
| 5595978 | 1997-01-21 | Draper |
| 5739309 | 1998-04-14 | Dattagupta |
| 5811088 | 1998-09-22 | Hunter |
| 5837489 | 1998-11-17 | Elliott |
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Foreign Patent Documents

EP779365 1997-06-18 Rabbani et al

Non-patent Literature

Prosecution in related applications

- Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-final Rejection 2009-07-23
- Pat. App. No. 11929897 (Attny. Dkt. No. Enz-53-C2) Non-final Rejection 2009-09-09
- Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Final Rejection 2009-09-30
- Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2009-11-23
- Pat. App. No. 08/978,636 (Attny. Dkt. No. Enz-53D3) Final Rejection 2010-01-26
- Pat. App No. 11/927,676 (Attny. Dkt. No. Enz-53-D6C) Final Rejection 2010-02-23
- Pat. App. No. 08/978,632 (Attny. Dkt. No. Enz53-C) Final Rejection 2010-03-10
- Pat. App. No. 08/978,637 (Attny. Dkt. No. Enz-53-D6) Final Rejection 2010-03-31

Other non-patent references

- BENSAAD et al "Change of conformation of the DNA-binding domain of p53 is the only key element for binding of and interference with p73" *J. Biol. Chem.* 278: 10546-10555. 2003
- BISSONNETTE et al. "In vivo expression of the antimicrobial defensin and lactoferrin proteins allowed by the strategic insertion of introns adequately spliced" *Gene* 372: 142-152. 2006
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- DUMONTET et al. *La Revue de Medecine Intern.* 13: 460-464. 1992. (French)
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- GONZALEZ et al. "Stabilization of a full-length infectious cDNA clone of transmissible gastroenteritis coronavirus by insertion of an intron". *J. Virol.* 76: 4655-4661. 2002
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- JONKERS et al. "Retroviral insertional mutagenesis as a strategy to identify cancer genes" *Biochem Biophys Acta* 1287: 29-57. 1996
- JOSHI et al. "Inhibition of human immunodeficiency virus type 1 multiplication by antisense and sense RNA expression" *J. Virol.* 65: 5524-5530. 1991
- LEWIN ed., *Genes* 3rd edition, Wiley, New York 1987 pg 386
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- LOPEZ-MOYA et al. "Construction of a stable and highly infectious intron-containing cDNA clone of plum pox potyvirus and its use to infect plants by particle bombardment." *Virus Res.* 68: 99-107. 2000
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- PAN et al. "Oligonucleotide-targeted degradation of U1 and U2 snRNAs reveals differential interactions of Simian Virus 40 pre-mRNAs with snRNPs" *Nucleic Acids Res.* 17: 6553-6568. 1989

SMITH-RAVIN et al. "Use of damaged plasmid to study DNA repair in X-ray sensitive (xrs) strains of Chinese hamster ovary (CHO) cells." *Intl. J. Radiat. Biol.* 56: 951-961. 1989.

ULPER et al. "Construction, properties, and potential application of infectious plasmids containing Semliki Forest virus full-length cDNA with an inserted intron. *J. Virol. Meth.* 148: 265-270. 2008

VANDENDRIESSCHE et al. "Inhibition of clinical human immunodeficiency virus (HIV) type 1 isolates in primary CD4+ T lymphocytes by retroviral vectors expressing anti-HIV genes" *J. Virol.* 69: 4045-4052. 1995

WU et al. "Targeting genes: delivery and persistent expression of a foreign gene driven by mammalian regulatory elements in vivo." *J. Biol. Chem.* 264: 16985-16987. 1989.

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

[] together with an RCE

[] after submitting the RCE but before any subsequent Office Action

[] before the mailing date of a first Office Action on the merits

[X] after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: May 9, 2010

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